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## Overview of the Smoke Free Workplaces Law

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The Smoke Free Hawai'i law creates fair and consistent statewide protection for the health of people who do not want to be subjected to secondhand smoke. The law will go into effect on November 16, 2006, "The Great American Smokeout." It is not a ban. Smokers may still purchase and use smoke-producing tobacco products in areas other than those designated as smoke-free under the law.

### Where is smoking prohibited under the law?

- In enclosed or partially enclosed facilities
  - owned by the state or the counties.
  - open to the public. This includes private businesses.
  - that are places of employment. Private homes used as childcare, adult care or health care facilities are considered places of employment. Private membership clubs are under jurisdiction of the law if they are a place of employment.
- In Hawai'i airports, from cabin to curb.
- Within 20 feet of doorways, windows and ventilation intakes for the prevention of secondhand smoke drifting into enclosed areas.
- In the enclosed, partially enclosed and seating areas of sports arenas, outdoor arenas, stadiums and amphitheaters.

### Are there any exceptions under the law?

- Hotels and motels may designate up to 20 percent of rooms as smoking allowed. Rooms must be on the same floor, contiguous and smoke must not infiltrate into smoke-free areas.
- Smoking is allowed in private and semi-private rooms of nursing homes and long-term care facilities. Smoke must not infiltrate into smoke-free areas. Residents must request in writing to be placed in a smoking room.
- Outdoor areas of employment except those provided for within the bill.
- All areas covered by the Smoke Free Hawai'i law when smoking is part of a production being filmed.
- State prison facilities.

### How will the law be enforced?

- Clearly legible signs with the words "Smoking Prohibited by Law" or the international No Smoking symbol must be visibly posted at the entrances to every public place and workplace that is designated as non-smoking.
- Owners, managers, operators and employees of any establishment designated as non-smoking are responsible for informing violators of this law.
- Individual violators of this law may be fined up to \$50 plus court costs.
- Businesses who fail to comply with the law may be fined up to \$100 for the first offence, \$200 for the second offence within one year of the first violation and up to \$500 for each additional violation within one year of the preceding violation.
- Businesses risk suspension or revocation of any licenses or permits issued to either the person or place where the violation occurred.
- Owners, operators and managers of public places and workplaces, including outdoor areas, not covered by this law have the right to designate the areas under their control as smoke-free. Smoking will be prohibited in those places where signs are posted.

Questions, concerns, violations and complaints can be directed to the Department of Health at (808) 586-4613 or call the Aloha United Way Help Line at 211.